

REMARKS

In response to the above-identified Office Action (“Action”), Applicant traverses the Patent Office’s rejection to the claims and seeks reconsideration thereof. Claims 33-35 and 37-69 are now pending. Claims 49-56 remain withdrawn. Claims 33-35, 37-48 and 57-69 are rejected. In this response, claims 33, 57 and 60 are amended, claim 39 is cancelled and no claims are added.

I. Claim Amendments

Applicant respectfully submits herewith amendments to claims 33, 57 and 60.

Claim 33 is amended to recite “a longitudinally extending fluid conduit positioned within the interior area of the first cylindrical ring and through a laterally extending wall into the second cylindrical ring, the fluid conduit defining a fluid flow aperture; and the laterally extending wall positioned between the first cylindrical ring and the second cylindrical ring.”

Similarly, claim 57 is amended to recite “a longitudinally extending fluid conduit within the first cylindrical ring and the second cylindrical ring, wherein the fluid conduit provides bi-directional fluid communication between the fluid container and the processor” and “a laterally extending barrier between the first cylindrical ring and the second cylindrical ring, the barrier having first and second sides.”

Finally, claim 60 is amended to clarify that the laterally extending wall is “adjacent to the first cylindrical ring and the fluid conduit.”

Support for the amendments to claims 33, 57 and 60 may be found, for example, on page 7, lines 3-14 and Figure 5.

For at least the foregoing reasons, the amendments to claims 33, 57 and 60 are supported by the specification and do not add new matter. In view of the foregoing, Applicant respectfully requests consideration and entry of the amendments to claims 33, 57 and 60.

II. Claim Rejections – 35 U.S.C. §102

In the outstanding Action, the Patent Office rejects claims 33-35, 37-48 and 57-69 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,854,486 issued to Daley ("Daley"). Applicant respectfully traverses the rejection.

In regard to independent claim 33, Applicant respectfully submits Daley fails to teach at least the elements of "a longitudinally extending fluid conduit positioned within the interior area of the first cylindrical ring and through a laterally extending wall into the second cylindrical ring, the fluid conduit defining a fluid flow aperture; and the laterally extending wall positioned between the first cylindrical ring and the second cylindrical ring, the laterally extending wall having a top surface directed towards the processing apparatus" as recited in amended claim 33.

Daley generally discloses a liquid delivery system for dispensing liquids from an inverted container. See Daley, col. 1, lines 11-13. The Patent Office alleges Daley teaches a first longitudinally extending cylindrical ring 6, a second cylindrical ring 5, a fluid conduit 11, 13 and 20 and a laterally extending wall 1. See Action, page 3.

Applicant respectfully disagrees with the Patent Office's characterization of the above-referenced features of Daley. In particular, Daley teaches that tube 20 is an *air conduit*, not a fluid conduit as alleged by the Patent Office. See Daley, col. 2, lines 30-68. Specifically, Daley teaches that as liquid flows out of bottle 3, air enters the air inlet entrance 12, passes through the air inlet exit 11 into vent entrance 9, then into vent tube 20 and out vent exit 15 into bottle 3. See Daley, col. 2, lines 64-68. Vent exit 15 is in fact intentionally positioned above a level of liquid 4 in bottle 3 of Daley to prevent any sort of communication between tube 20 and liquid within bottle 3. See Daley, col. 2, lines 44-45.

Moreover, element 1 of Daley may not be characterized as a "a laterally extending wall positioned *between* the first cylindrical ring and the second cylindrical ring, the laterally extending wall having a *top surface directed towards the processing apparatus*" (emphasis added) as further recited in claim 33. Daley teaches that member 5 inserts into member 6 to form a seal assembly 1 securely inserted into the neck of an inverted bottle. See Daley, col. 2, lines 35-48. As can be seen from Figure 2 of Daley, members 6 and 5 which the Patent Office alleges

teach the first and second cylindrical rings, respectively, are not on opposite sides of seal assembly 1 as would be required for seal assembly 1 to be between the members. Instead, members 6 and 5 appear to be positioned below the surface of seal assembly 1. Accordingly, seal assembly 1 may not be characterized as a wall between members 5 and 6.

Finally, the Patent Office has not pointed to a portion of Daley teaching that seal assembly 1 has a top surface directed toward a processing apparatus and instead merely states this element is taught. Upon review of Daley, Applicant is unable to discern a portion of Daley disclosing this element. Thus, the Patent Office further fails to show that Daley teaches this element of claim 33. Applicant respectfully requests that if the Patent Office chooses to maintain its position with respect to this element that the Patent Office identify where within Daley this element is disclosed. Thus, for at least the foregoing reasons, Daley fails to teach each and every element of claim 33. Since Daley fails to teach each and every element of claim 33, anticipation may not be established. Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 33 under 35 U.S.C. §102 over Daley.

In regard to independent claim 57, Applicant respectfully submits Daley fails to teach at least the elements of “a longitudinally extending fluid conduit within the first cylindrical ring and the second cylindrical ring, wherein the fluid conduit provides bi-directional fluid communication between the fluid container and the processor; and a laterally extending barrier between the first cylindrical ring and the second cylindrical ring, the barrier having first and second sides” as recited in amended claim 57. For at least the reasons discussed in regard to claim 33, seal assembly 1 of Daley may not be characterized as a laterally extending barrier layer between the first and second cylindrical rings as recited in claim 57. Moreover, tube 20 of Daley may not be characterized as a **fluid conduit** for providing bi-directional fluid communication between the fluid container and the processor as further recited in claim 57. As discussed in regard to claim 33, air, not fluid passes through tube 20. In addition, air flows through tube 20 in a single direction (i.e. into bottle 3) thus tube 20 does not provide any sort of bi-directional communication between a fluid container and a processor as is further required by claim 57. Thus, for at least the foregoing reasons, Daley further fails to teach each and every element of claim 57. Since Daley fails to teach each and every element of claim 57, anticipation may not be

established. Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 57 under 35 U.S.C. §102 over Daley.

In regard to independent claim 60, Applicant respectfully submits Daley fails to teach at least the elements of “a first longitudinally extending cylindrical ring defining an interior area; a longitudinally extending fluid conduit positioned within the interior area and defining a fluid flow aperture” as recited in amended claim 60. For at least the reasons discussed in regard to claims 33 and 57, tube 20 of Daley may not be characterized as a *fluid conduit* as further recited in claim 60. Thus, for at least the foregoing reasons, Daley fails to teach at least this element of claim 60. Since Daley fails to teach each and every element of claim 60, anticipation may not be established. Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 60 under 35 U.S.C. §102 over Daley.

In regard to dependent claims 34, 55, 37, 38, 40-48, 56-59 and 60-69, these claims depend from claims 33, 57 or 60 and incorporate the limitations thereof. Thus, for at least the reasons that claims 33, 57 and 60 are not anticipated by Daley, claims 34, 55, 37, 38, 40-48, 56-59 and 60-69 are further not anticipated by the cited prior art. Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 34, 55, 37, 38, 40-48, 56-59 and 60-69 under 35 U.S.C. §102 over Daley.

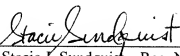
CONCLUSION

In view of the foregoing, it is believed that all claims now pending, namely claims 33-35, 37, 38 and 40-69, are now in condition for allowance and such action is earnestly solicited at the earliest possible date. If there are any additional fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666. Questions regarding this matter should be directed to the undersigned at (310) 207-3800.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR, & ZAFMAN LLP


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By: 
Stacie J. Sundquist, Reg. No. 53,654

1279 Oakmead Parkway
Sunnyvale, CA 94085-4040
Telephone (408) 720-8300
Facsimile (408) 720-8383

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being submitted electronically via EFS Web to the United States Patent and Trademark Office on August 17, 2007.


Si Vuong